

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JAMES BELLAMY,

Plaintiff,

-against-

JOHN BENDHEIM; DOCTOR MARIO  
MALVAROSA; DOWNSTATE  
CORRECTIONAL FACILITY,

Defendants.

21-CV-1979 (CM)

ORDER DIRECTING PAYMENT OF FEE  
OR IFP APPLICATION AND PRISONER  
AUTHORIZATION

COLLEEN McMAHON, Chief United States District Judge:

Plaintiff, currently incarcerated at the Manhattan Detention Complex, brings this action *pro se*. Plaintiff filed an action in the United States District Court for the Western District of New York, *Bellamy v. Annucci*, No. 20-CV-6568 (W.D.N.Y.). By order dated March 3, 2021, that court severed the claims arising at Downstate Correctional Facility and transferred them to this district, where the action has been opened under this docket number, 21-CV-1979 (CM).

To proceed with a civil action in this Court, a prisoner must either pay \$402.00 in fees – a \$350.00 filing fee plus a \$52.00 administrative fee – or, to request authorization to proceed *in forma pauperis* (IFP), that is, without prepaying fees, submit a signed IFP application and a prisoner authorization. *See* 28 U.S.C. §§ 1914, 1915.

If the Court grants a prisoner's IFP application, the Court must collect the \$350.00<sup>1</sup> filing fee in installments deducted from the prisoner's account. *See* 28 U.S.C. § 1915(b)(1). A prisoner seeking to proceed in this Court without prepaying fees must therefore authorize the Court to withdraw these payments from his account by filing a "prisoner authorization," which directs the

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<sup>1</sup> The \$52.00 administrative fee for filing a civil action does not apply to persons granted IFP status under 28 U.S.C. § 1915.

facility where the prisoner is incarcerated to deduct the \$350.00 filing fee from the prisoner's account in installments and to send to the Court certified copies of the prisoner's account statements for the past six months. *See* 28 U.S.C. § 1915(a)(2), (b).

Because Plaintiff's claims were transferred here, he has not paid the filing fees or submitted an IFP application and prisoner authorization for this new civil action. Within thirty days of the date of this order, Plaintiff must either pay the \$402.00 in fees or submit the attached IFP application and prisoner authorization. If Plaintiff submits the IFP application and prisoner authorization, they should be labeled with docket number 21-CV-1979 (CM).<sup>2</sup>

The Clerk of Court is directed to mail a copy of this order to Plaintiff and note service on the docket. No summons shall issue at this time. If Plaintiff complies with this order, the case shall be processed in accordance with the procedures of the Clerk's Office. If Plaintiff fails to comply with this order within the time allowed, the action will be dismissed without prejudice.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore *in forma pauperis* status is denied for the purpose of an appeal. *Cf. Coppedge v. United States*, 369 U.S. 438, 444–45 (1962) (holding that appellant demonstrates good faith when seeking review of a nonfrivolous issue).

SO ORDERED.

Dated: March 10, 2021  
New York, New York



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COLLEEN McMAHON  
Chief United States District Judge

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<sup>2</sup> Plaintiff is cautioned that if a prisoner files an action that is dismissed as frivolous or for failing to state a claim, the dismissal is a "strike" under 28 U.S.C. § 1915(g). A prisoner who receives three "strikes" generally must pay the filing fee at the time of filing any new action.